

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**04 CR 10288 NG**

UNITED STATES OF AMERICA )

CRIMINAL NO. )

v. )

**VIOLATIONS:**

- (1) CARLOS ESPINOLA,
- (2) JOSE MELO,
- (3) JOSEPH BALDASSANO,
- (4) MATTHEW CREAM,
- (5) JASON MATTHEWS,
- (6) JOSEPH ALLEN,
- (7) KEITH BEHSMAN,
- (8) JONATHAN MITCHELL,
- (9) JAMES GARDNER,
- (10) PHILIP ALBERT, JR.,
- (11) JARED KNOWLTON,
- (12) ARCHIBALD MACLEOD,
- (13) GUISEPPE TORRENTE

21 U.S.C. § 846 -  
Conspiracy to Possess with Intent  
to Distribute, and to Distribute,  
Oxycodone  
  
21 U.S.C. § 841(a)(1) -  
Distribution of Oxycodone  
  
21 U.S.C. § 860(a) - Distribution  
of Oxycodone Within A Public  
Housing Authority  
  
18 U.S.C. § 2 - Aiding and Abetting  
  
21 U.S.C. § 853 - Criminal  
Forfeiture Allegation

**INDICTMENT**

**COUNT ONE:** (21 U.S.C. § 846 - Conspiracy to Possess with  
Intent to Distribute, and to Distribute,  
Oxycodone)

The Grand Jury charges that:

Beginning on an unknown date but at least by in or about  
October 2003 and continuing thereafter until on or about June 10,  
2004, at Gloucester, Peabody, Danvers and elsewhere in the  
District of Massachusetts,

- 1. CARLOS ESPINOLA,
- 2. JOSE MELO,
- 3. JOSEPH BALDASSANO,
- 4. MATTHEW CREAM,
- 5. JASON MATTHEWS,
- 6. JOSEPH ALLEN,

7. KEITH BEHSMAN,
8. JONATHAN MITCHELL,
9. JAMES GARDNER,
10. PHILIP ALBERT, JR.,
11. JARED KNOWLTON,
12. ARCHIBALD MACLEOD,
13. GUISEPPE TORRENTE

defendants herein, did knowingly and intentionally combine, conspire, confederate, and agree with each other, and with other persons unknown to the Grand Jury, to distribute, and to possess with intent to distribute, oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO:** (21 U.S.C. § 841(a)(1) - Distribution of  
Oxycodone; 21 U.S.C. § 860(a) - Public Housing  
Violation)

The Grand Jury further charges that:

On or about October 29, 2003, at Gloucester, in the District  
of Massachusetts,

**7. KEITH BEHSMAN**

defendant herein, did knowingly and intentionally distribute,  
and possess with intent to distribute, oxycodone, a Schedule  
II controlled substance, within 1,000 feet of the real property  
comprising the Riverdale Park Housing Development, a housing  
facility owned by a public housing authority.

All in violation of Title 21, United States Code, Sections  
841(a)(1) and 860(a).

**COUNT THREE:** (21 U.S.C. §841(a)(1) - Distribution of Oxycodone;  
21 U.S.C. 860(a)- Public Housing Violation)

The Grand Jury further charges that:

On or about November 4, 2003, at Gloucester, in the District  
of Massachusetts,

**7. KEITH BEHSMAN,**

defendant herein, did knowingly and intentionally distribute,  
and possess with intent to distribute, oxycodone, a Schedule  
II controlled substance, within 1,000 feet of the real property  
comprising the Riverdale Park Housing Development, a housing  
facility owned by a public housing authority.

All in violation of Title 21, United States Code, Sections  
841(a)(1) and 860(a).

**COUNT FOUR:** (21 U.S.C. § 841(a)(1) - Distribution of  
Oxycodone; 18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about November 5, 2003, at Gloucester, in the District  
of Massachusetts,

7. **KEITH BESHMAN, and**  
10. **PHILLIP ALBERT**

defendants herein, did knowingly and intentionally distribute,  
and possess with intent to distribute, oxycodone, a Schedule  
II controlled substance.

All in violation of Title 21, United States Code, Section  
841(a)(1) and Title 18, United States Code, Section 2.

**COUNT FIVE:** (21 U.S.C. §841(a)(1) - Distribution of Oxycodone;  
12 U.S.C. § 2- Aiding and Abetting)

The Grand Jury further charges that:

On or about November 25, 2003, at Peabody, in the District  
of Massachusetts,

3. JOSEPH BALDASSANO,  
7. KEITH BEHSMAN, and  
8. JONATHAN MITCHELL

defendants herein, did knowingly and intentionally distribute,  
and possess with intent to distribute, oxycodone, a Schedule  
II controlled substance.

All in violation of Title 21, United States Code, Section  
841(a)(1) and Title 18, United States Code, Section 2.

**COUNT SIX:** (21 U.S.C. § 841(a)(1) - Distribution of Oxycodone;  
18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about December 2, 2003, at Peabody, in the District of  
Massachusetts,

3. JOSEPH BALDASSANO,  
7. KEITH BEHSMAN, and  
11. JARED KNOWLTON

defendants herein, did knowingly and intentionally distribute,  
and possess with intent to distribute, oxycodone, a Schedule  
II controlled substance.

All in violation of Title 21, United States Code, Section  
841(a)(1) and Title 18, United States Code, Section 2.

**COUNT SEVEN:** (21 U.S.C. § 841(a)(1) - Distribution of  
Oxycodone; 21 U.S.C. § 860(a) - Public Housing  
Violation; 18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about December 12, 2003, at Gloucester, in the  
District of Massachusetts,

7. **KEITH BEHSMAN, and**
8. **JONATHAN MITCHELL**

defendants herein, did knowingly and intentionally distribute,  
and possess with intent to distribute, oxycodone, a Schedule  
II controlled substance, within 1000 feet of the real property  
comprising the Riverdale Park Housing Development, a housing  
facility owned by a public housing authority.

All in violation of Title 21, United States Code, Sections  
841(a)(1) and 860(a), and Title 18, United States Code, Section  
2.



**COUNT EIGHT:** (21 U.S.C. § 841(a)(1) - Distribution of  
Oxycodone; 21 U.S.C. § 860(a) - Public Housing  
Violation; 18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about January 6, 2004, at Gloucester, in the District  
of Massachusetts,

7. **KEITH BEHSMAN, and**  
9. **JAMES GARDNER**

defendants herein, did knowingly and intentionally distribute,  
and possess with intent to distribute, oxycodone, a Schedule  
II controlled substance, within 1,000 feet of the real property  
comprising the Riverdale Park Housing Development, a housing  
facility owned by a public housing authority.

All in violation of Title 21, United States Code, Sections  
841(a)(1) and 860(a), and Title 18, United States Code, Section  
2.

**COUNT NINE: (21 U.S.C. § 841(a)(1) - Distribution of Oxycodone)**

The Grand Jury further charges that:

On or about January 13, 2004, at Gloucester, in the District of Massachusetts,

**12. ARCHIBALD MACLEOD**

defendant herein, did knowingly and intentionally distribute, and possess with intent to distribute, oxycodone, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT TEN:** (21 U.S.C. § 841(a)(1) - Distribution of  
Oxycodone; 21 U.S.C. § 860(a) - Public Housing  
Violation; 18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about January 14, 2004, at Gloucester, in the District  
of Massachusetts,

4. **MATTHEW CREAM, and**
7. **KEITH BEHSMAN,**

defendants herein, did knowingly and intentionally distribute,  
and possess with intent to distribute, oxycodone, a Schedule  
II controlled substance, within 1000 feet of the property  
comprising the Riverdale Park Housing Development, a housing  
facility owned by a public housing authority.

All in violation of Title 21, United States Code, Sections  
841(a)(1) and 860(a), and Title 18, United States Code, Section  
2.

**COUNT ELEVEN:** (21 U.S.C. § 841(a)(1) - Distribution of  
Oxycodone; 18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about January 22, 2004, at Gloucester, in the District  
of Massachusetts,

**4. MATTHEW CREAM, and  
13. JOSEPH TORRENTE**

defendants herein, did knowingly and intentionally distribute,  
and possess with intent to distribute, oxycodone, a Schedule  
II controlled substance.

All in violation of Title 21, United States Code, Section  
841(a)(1) and Title 18, United States Code, Section 2.

**COUNT TWELVE: (21 U.S.C. § 841(a)(1) - Distribution of Oxycodone)**

The Grand Jury further charges that:

On or about February 4, 2004, at Gloucester, in the District of Massachusetts,

**13. JOSEPH TORRENTE**

defendant herein, did knowingly and intentionally distribute, and possess with intent to distribute, oxycodone, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT THIRTEEN:**        (21 U.S.C. § 841(a)(1) - Distribution of  
                                 Oxycodone)

The Grand Jury further charges that:

On or about March 11, 2004, at Gloucester, in the District  
of Massachusetts,

**12. ARCHIBALD MCLEOD**

defendant herein, did knowingly and intentionally distribute,  
and possess with intent to distribute, oxycodone, a Schedule  
II controlled substance.

All in violation of Title 21, United States Code, Section  
841(a)(1).

**COUNT FOURTEEN:**        (21 U.S.C. § 841(a)(1) - Distribution of  
                                 Oxycodone)

The Grand Jury further charges that:

On or about March 15, 2004, at Peabody, in the District  
of Massachusetts,

**12. ARCHIBALD MCLEOD**

defendant herein, did knowingly and intentionally distribute,  
and possess with intent to distribute, oxycodone, a Schedule  
II controlled substance.

All in violation of Title 21, United States Code, Section  
841(a)(1).

**COUNT FIFTEEN: (21 U.S.C. § 841(a)(1) - Distribution of Oxycodone)**

The Grand Jury further charges that:

On or about March 23, 2004, at Peabody, in the District of Massachusetts,

**12. ARCHIBALD MCLEOD**

defendant herein, did knowingly and intentionally distribute, and possess with intent to distribute, oxycodone, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).



**COUNT SIXTEEN:** (21 U.S.C. § 841(a)(1) - Distribution of Oxycodone;  
18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about June 7, 2004, at Peabody, in the District of  
Massachusetts,

2. JOSE MELO,
3. JOSEPH BALDASSANO, and
6. JOSEPH ALLEN

defendants herein, did knowingly and intentionally distribute,  
and possess with intent to distribute, oxycodone, a Schedule  
II controlled substance.

All in violation of Title 21, United States Code, Section  
841(a)(1) and Title 18, United States Code, Section 2.

**COUNT SEVENTEEN:** (21 U.S.C. § 841(a)(1) - Distribution of  
Oxycodone; 18 U.S.C. § 2 - Aiding and  
Abetting)

The Grand Jury further charges that:

On or about June 10, 2004, at Danvers, in the District of  
Massachusetts,

2. JOSE MELO, and
3. JOSEPH BALDASSANO,

defendants herein, did knowingly and intentionally distribute,  
and possess with intent to distribute, oxycodone, a Schedule  
II controlled substance.

All in violation of Title 21, United States Code, Section  
841(a)(1) and Title 18, United States Code, Section 2.

**FORFEITURE ALLEGATION:** (21 U.S.C. § 853)

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts 1 through 17 of this Indictment,

1. CARLOS ESPINOLA,
2. JOSE MELO,
3. JOSEPH BALDASSANO,
4. MATTHEW CREAM,
5. JASON MATTHEWS,
6. JOSEPH ALLEN,
7. KEITH BEHSMAN,
8. JONATHAN MITCHELL,
9. JAMES GARDNER,
10. PHILIP ALBERT, JR.,
11. JARED KNOWLTON,
12. ARCHIBALD MACLEOD, and
13. GUISEPPE TORRENTE

defendants herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations.

2. If any of the property described in paragraph 1, above, as a result of any act or omission of the defendants -

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in paragraph 1.

All in violation of Title 21, United States Code, Section 853.

**NOTICE OF ADDITIONAL FACTORS**

The Grand Jury further finds that:

1. The defendant CARLOS ESPINOLA is accountable for a quantity of oxycodone that, when converted to marijuana as provided by USSG §2D1.1 (drug equivalency table), is equivalent to at least 10,000 kilograms of marijuana but less than 30,000 kilograms of marijuana. Accordingly, USSG §2D1.1(c)(2) applies to this defendant.

2. The defendant JOSE MELO is accountable for a quantity of oxycodone that, when converted to marijuana as provided by USSG §2D1.1 (drug equivalency table), is equivalent to at least 100 kilograms but not more than 400 kilograms of marijuana. Accordingly, USSG §2D1.1(c)(7) applies to this defendant.

3. The defendant JOSEPH BALDASSANO is accountable for a quantity of oxycodone that, when converted to marijuana as provided by USSG §2D1.1 (drug equivalency table), is equivalent to at least 10,000 kilograms of marijuana but less than 30,000 kilograms of marijuana. Accordingly, USSG §2D1.1(c)(2) applies to this defendant.

4. The defendant MATTHEW CREAM is accountable for a quantity of oxycodone that, when converted to marijuana as provided by USSG §2D1.1 (drug equivalency table), is equivalent to at least 10,000 kilograms of marijuana but less than 30,000

kilograms of marijuana. Accordingly, USSG §2D1.1(c)(2) applies to this defendant.

5. The defendant JASON MATTHEWS is accountable for a quantity of oxycodone that, when converted to marijuana as provided by USSG §2D1.1 (drug equivalency table), is equivalent to at least 3,000 kilograms of marijuana but less than 10,000 kilograms of marijuana. Accordingly, USSG §2D1.1(c)(3) applies to this defendant.

6. The defendant PHILLIP ALBERT, JR. is accountable for a quantity of oxycodone that, when converted to marijuana as provided by USSG §2D1.1 (drug equivalency table), is equivalent to at least 3,000 kilograms of marijuana but less than 10,000 kilograms of marijuana. Accordingly, USSG §2D1.1(c)(3) applies to this defendant.

7. The defendant JOSEPH ALLEN is accountable for a quantity of oxycodone that, when converted to marijuana as provided by USSG §2D1.1 (drug equivalency table), is equivalent to at least 3,000 kilograms of marijuana but less than 10,000 kilograms of marijuana. Accordingly, USSG §2D1.1(c)(3) applies to this defendant.

8. The defendant KEITH BEHSMAN is accountable for a quantity of oxycodone that, when converted to marijuana as provided by USSG §2D1.1 (drug equivalency table), is equivalent to at least 3,000 kilograms of marijuana but less than 10,000